

## **DETAILED ACTION**

### ***Status of Claims***

1. Claims 1, 3-16, 18 and 20 are pending in this application. Claims 2, 17, and 19 have been cancelled. This action is in response to the applicants' non-final rejection reply filed on May 20, 2008.

### ***Withdrawn Rejections/Objections:***

2. Applicant is notified that any outstanding rejection/objection that is not expressly maintained in this office action has been withdrawn or rendered moot in view of applicant's amendments and/or remarks.

### ***Election/Restrictions***

3. Claims 1 and 3-16 are directed to an allowable product. Pursuant to the procedures set forth in MPEP § 821.04(B), claims 18 and 20, directed to the process of making or using an allowable product, previously withdrawn from consideration as a result of a restriction requirement, are hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Because all claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, **the restriction requirement as set forth in the Office action mailed on December 14, 2007 is hereby withdrawn.** In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over

the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

### ***Inventorship***

4. In view of the papers filed May 20, 2008, the inventorship in this non-provisional application has been changed by the deletion of Linghang Zhunag; Terry A. Lyle; and Kyle A. Robinson.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of Office records to reflect the inventorship as corrected.

### **Examiner's Amendment**

5. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kenneth R. Walton on August 13, 2008. The application has been amended as follows:

- a) Deletion of the words, "or delaying the onset of" from claim 18.
- b) Deletion of the words, "or delaying the onset of" from claim 20.

### **Reasons for Allowance**

6. The following is an examiner's statement of reasons for allowance:

U.S. Patent No. 6,613,759 teaches the compounds and compositions seen within the current application. This present invention is directed to dihydroxypyridopyrazine-1,6-diones and pharmaceutically acceptable salts thereof, their synthesis, and their use as inhibitors of the HIV integrase enzyme. The compounds of the present invention and their pharmaceutically acceptable salts are useful for treating infection by HIV and for treating AIDS. The closest reference to the current application is Williams, et. al., WO2005092099, which teaches similar compounds as the current application but does not qualify as prior art due to its filing date.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee, and to avoid delays, should preferably accompany the issue fee. Such submissions should clearly be labeled "Comments on the Statements of Reasons for Allowance".

### ***Conclusion***

7. Claims 1, 3-16, 18 and 20 are allowed.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey H. Murray, whose telephone number is 571-272-9023. The examiner can normally be reached on Mon.-Thurs. 7:30-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. James O. Wilson can be reached at 571-272-0661. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeffrey H Murray/  
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**/James O. Wilson/  
Supervisory Patent Examiner, Art Unit 1624**